

REMARKS

Reconsideration and allowance of the claims are requested in view of the above amendments and the following remarks. Claims 7 and 16 have been amended. Support for the claim amendments may be found in the specification and claims as originally filed. For example, support for the claim amendments may be found in the present specification at least at page 42, line 20 – page 43, line 6 and Figure 9. No new matter has been added.

Claims 1-6, 14-15, 19, 21-28 and 30-40 were canceled as being drawn to non-elected claims. Claims 10 and 20 were canceled without prejudice or disclaimer.

Upon entry of this amendment, claims 7-9, 11-13, 16-18 and 29 are pending, with claims 7, 16 and 29 being independent.

1. Rejections Under 35 U.S.C. §102

The Office Action rejects claims 7-9, 11-13, 16, 18 and 29 under 35 U.S.C. 102(e) as being anticipated by Boyer et al. (7,165,098). Applicants respectfully traverse this rejection for at least the following reasons.

The Office Action asserts on pages 3-4 that Boyer et al. teaches presenting a visual cue to the viewer based on the IP data on a video display wherein the visual cue comprises an active status indicator indicating the status of one or more currently available broadcast television programs. Applicants respectfully disagree.

Boyer et al. discloses an on-line scheduling application that allows users to personalize how television-related, entertainment-related and social event related information is provided (see abstract). Boyer et al. teaches a main menu page 100 that provides users an opportunity to access and personalize display of scheduling information. Main menu page 100 includes active display element 102, information area 104 and options area 106. Active display element 102 may display the currently tuned (or last tuned to) television program. Information area 104 may display context-sensitive help or other information for instructing the user or indicating what actions are available to the user. Options area 106 may include any graphical user interface

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construct suitable for providing a user with an opportunity to access various features of the scheduling application (see col. 10, lines 1-27; Figure 4). Boyer et al. also teaches a television request page 600 in which users may personalize their television-related information by defining one or more requests using a number of criteria (see col. 10, lines 56-66; Figure 6a).

However, none of the features of the on-line scheduling application disclosed in Boyer et al. constitutes a visual cue comprising an active status indicator indicating a status of one or more currently available broadcast television programs, wherein the status indicates in real-time whether the one or more currently available broadcast television programs is currently active or inactive.

In contrast to Boyer et al., the present specification states:

In a second navigation element shown in FIG. 9, corresponding to the broadcast of a game involving Miami and Oakland, a visual cue in the form of a dimmed or non-highlighted football indicates that the game is currently inactive. This advantageously provides one important cue to the viewer, namely, the active status of other available sporting events. The active status of other events may, of course, be provided by other visual cues, such as through the lighting or darkening of the navigation element, or even through a tunable "time-in/time-out" Alert, as explained below. (see page 42, line 20 – page 43, line 6; emphasis added).

As illustrated in Figure 9 of the present application, in an embodiment a visual cue in the guide area 916 for the NFL football game between MIA and OAK is presented in the form of a dimmed or non-highlighted football immediately to the left of the names of the respective teams (i.e., MIA, OAK) and their scores (i.e., 21-27). In an embodiment, the dimmed or non-highlighted football indicates in real-time that the MIA vs. OAK game is currently inactive (e.g., due to a time out, commercial break, etc.). As discussed above, Boyer et al. is silent as to providing such an active status indicator.

Therefore, Boyer et al. fails to disclose or suggest at least the elements of presenting a visual cue to the viewer based on the IP data on a video display, wherein the visual cue comprises an active status indicator indicating a status of one or more currently available

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broadcast television programs, wherein the status indicates in real-time whether the one or more currently available broadcast television programs is currently active or inactive, as included in independent claim 7 as amended. Independent claim 16 has been amended to include similar elements.

In regards to independent claim 29, the Office Action fails to provide a prima facie case of anticipation with respect to at least the elements of presenting a visual cue to the user based on the IP data on a display device, wherein the visual cue comprises a real-time event alert informing the user of an action that is about to occur in one or more currently available broadcast television programs. Instead, the Office Action erroneously groups the rejections of claims 7 and 29 together when the two claims have different features. For example, claim 7 as amended recites (emphasis added):

presenting a visual cue to the viewer based on the IP data on a video display, wherein the visual cue comprises an **active status indicator** indicating a status of one or more currently available broadcast television programs, wherein the status indicates in real-time whether the one or more currently available broadcast television programs is currently active or inactive.

In contrast, claim 29 recites (emphasis added):

presenting a visual cue to the user based on the IP data on a display device, wherein the visual cue comprises a **real-time event alert** informing the user of an action that is about to occur in one or more currently available broadcast television programs.

Applicants submit that Boyer et al. fails to teach or suggest at least the elements of presenting a visual cue to the user based on the IP data on a display device, wherein the visual cue comprises a real-time event alert informing the user of an action that is about to occur in one or more currently available broadcast television programs, as included in independent claim 29

Therefore, since Boyer et al. does not teach, or even suggest, each and every element of independent claims 7, 16 and 29, these claims are not anticipated by Boyer et al. and are allowable.

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Claims 8-9 and 11-13 depend from claim 7. Claim 18 depends from claim 16. As discussed above, claims 7 and 16 are allowable. For at least this reason, and the features recited therein, claims 8-9, 11-13 and 18 are also allowable.

For at least the above reasons, reconsideration and withdrawal of the rejection of claims 7-9, 11-13, 16, 18 and 29 under 35 U.S.C. 102(e) are respectfully requested.

2. Rejections Under 35 U.S.C. §103

The Office Action rejects claim 17 under 35 U.S.C. §103(a) as being unpatentable over Boyer et al. in view of Dougherty et al. (U.S. Patent 7,028,327). Applicants respectfully traverse this rejection for at least the following reasons.

As discussed above, Boyer et al. fails to disclose or suggest all of the elements of independent claim 16. Dougherty et al. fails to cure this defect.

Dougherty et al. is cited by the Office Action primarily for its teaching of a tuner 202 that may be a conventional cable television tuner, a television broadcast tuner, a FM radio tuner, a digital tuner, or some other form of tuner (see col. 13, lines 59-63; Figure 2). However, Dougherty et al. fails to teach or suggest at least the elements of means for presenting a visual cue to a viewer based on the IP data on a display, wherein the visual cue comprises an active status indicator indicating a status of one or more currently available broadcast television programs, wherein the status indicates in real-time whether the one or more currently available broadcast television programs is currently active or inactive, as included in independent claim 16 as amended.

Therefore, since Boyer et al. and Dougherty et al., alone or in combination, fail to teach or suggest each and every element of independent claim 16, this claim is allowable.

Claim 17 depends from claim 16. As discussed above, claim 16 is allowable. For at least this reason, and the features recited therein, claim 17 is also allowable.

For at least the above reasons, reconsideration and withdrawal of the rejection of claim 17 under 35 U.S.C. §103(a) are respectfully requested.

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3. Conclusion

Accordingly, in view of the above amendment and remarks it is submitted that the claims are patentably distinct over the prior art and that all the rejections to the claims have been overcome. Reconsideration and reexamination of the present application is requested. Based on the foregoing, applicants respectfully request that the pending claims be allowed, and that a timely Notice of Allowance be issued in this case. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the applicants' attorney at the telephone number listed below.

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If this response is not considered timely filed and if a request for an extension of time is otherwise absent, applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,
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Date: August 18, 2008

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/Noemi Tovar/
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